IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24333 of 2004

Between:

K.S.R.Prasad, S/o.Late Ramalingam, E-210531, Conductor,
H.No.7-2-130, Near Ashok Colony, Sanathnagar Bus Stand,
Sanathnagar, Hyderabad.

..... PETITIONER

AND

1 The APSRTC, rep.by its Vice Chairman and Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region, Secunderabad.
3 The Depot Manager, APSRTC, HCU Depot, Gatchibowli, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus calling for the records relating to the proc.No. 01/114 (3)/2004/HCU, dt.27-09-2004 issued by the 3rd respondent and declare the same as illegal, arbitrary and contrary to the rules and further direct the respondents to treat the entire period from 27-09-2004 till the date of re-instatement with continuity of service with full wages with a liberty to claim wages from 16-3-2004 to 27-09-2004 ie., the period during which the petitioner is prevented from performing the duties under section 33 (c) of I.D Act, 1947 and further direct the respondents to treat the initial appointment on 13-6-2001 as regular service.

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission, made the following :

ORDER:

The petitioner was selected as Conductor on daily wage basis by a duly constituted Selection Committee. The respondents' Corporation by the impugned proceedings No.01/114(3)/2004-HCU dated 27.9.2004 deleted the name of the petitioner from the approved/selected list with immediate effect as his behaviour was not satisfactory in terms of the appointment order.

Learned counsel appearing for the petitioner contended that respondent No.3 has not issued any charge sheet or conducted any enquiry in contemplation of the allegations made against him before issuing the impugned proceedings and therefore it is clearly in violation of principles of natural justice and prays to allow the writ petition.

On the other hand, the learned Standing Counsel submits that though the petitioner was a daily wage employee, enquiry was conducted on the basis of charge sheet and therefore no interference is called for in this writ petition.

The reason for issuing a show cause notice to the petitioner by the respondents' Corporation was that he abused STI in filthy language to collect DD due amount and his behaviour is unsatisfactory in terms of the appointment order.

As seen from the impugned proceedings, it is clear that an enquiry was conducted and the enquiry officer submitted a report.

Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order.

Whether the 3rd respondent has not issued any charge sheet or conducted any enquiry in contemplation of the allegations made against him or there is any misconduct, are required to be gone into by the appellate authority in the appeal to be filed by the petitioner.

Accordingly, the writ petition is disposed of with a direction to the appellate authority to dispose of the appeal to be filed by the petitioner, in accordance with law, within a period of four weeks from the date of filing of the appeal by the petitioner. No order as to costs.

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28.12.2004

NOTE: Office to furnish C.C within one week

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To

1 The Vice-Chairman & Managing Director ,APSRTC, , Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region, Secunderabad.
3 The Depot Manager, APSRTC, HCU Depot, Gatchibowli, Ranga Reddy District.

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In the result, the impugned proceedings dated 27.9.2004 are set aside and the writ petition is disposed of. However, this order will not preclude the respondents from taking any disciplinary action against the petitioner as per rules and regulations of the Corporation. In the circumstances, no costs.